IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7607 OF 2006

Vilas Shivram Pednekar ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

Shri Harshad Bhadbhade for the Petitioner.
Shri C.R. Sonawane, AGP for State.

CORAM : SMT.RANJANA DESAI &
V.M. KANADE, JJ.

DATED : NOVEMBER 21, 2006

P.C. :-

1. The petitioner has challenged order dated 13th October, 2006 passed by the Caste Scrutiny Committee, Konkan Division. The relevant paragraph of the impugned order reads as under :-

> "The committee has taken decision to give him some more opportunity to submit his claim, however, instead of availing opportunity he has given in writing that he is unable to produce additional documentary evidence before the commitee and insisted the committee to give the decision on the same day."

2. The learned Counsel for the petitioner contended that on the same day, the petitioner tendered apology and requested the Committee that he may be given some time to produce evidence. On his application, one of the members passed an order stating that time may be granted. However, surprisingly on the very day, his application was rejected because he had given in writing that he is unable to produce additional documentary evidence. The learned Counsel contended that the second respondent failed to take into account the fact that on the very day, the petitioner had tendered apology, had sought time and in fact, an order was passed stating that he may be granted time. The learned Counsel further submitted that in the aforestated facts, in the interest of justice, the impugned order may be set aside and the matter may be remanded to the second respondent and the second respondent be directed to allow the petitioner to lead his evidence.

3. We have also heard Mr.Sonawane, learned AGP for the state. In our opinion, in peculiar facts and circumstances of the case and to secure interest of

justice, the matter needs to be remanded. Hence, we pass the following order.

4. Impugned order dated 13th October, 2006 is set aside. The matter is remanded to the second respondent. The second respondent is directed to give opportunity to the petitioner to produce additional documentary evidence. Needless to say that the respondents will be entitled to rebut the said evidence. The petitioner shall appear before the second respondent on 11th December, 2006. The second respondent shall dispose of the petitioner's application, as expeditiously as possible and in any case, within a period of thirty days from the date of receipt of a copy of this order by it after hearing all parties.

5. Writ Petition is disposed of in the aforestated terms.

6. Parties to act on the authenticated copy of this order.

(RANJANA DESAI, J.)

(V.M. KANADE, J.)